

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: Firehole Ranch, LLC  
11505 Hebgen Lake RD  
West Yellowstone, MT 59758
2. Type of action: Application To Change A water Right # 30049609-41F
3. Water source name: Watkins Creek
4. Location affected by project: SWSESW, Sec. 7, T12S, R04E, Gallatin County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Firehole Ranch, LLC (Applicant) proposes to reduce the diversion of water rights 41F 125476, 41F 125477, 41F 125478 to increase instream flows and protect the fishery resource during times when Watkins Creek flows drop to a flow rate of 5.5 cfs or less from July 1 to September 30. Water right 41F 125476 and 41F 125477 together, will have an instream flow rate of 2.10 cfs up to 76.4 acre feet and water right 41F 125478 will have an instream flow rate of 3.4 cfs up to 124.6 acre feet. The combined protected flow and volume for the change to instream fishery is up to 5.5 cfs and 201 acre feet.

6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

Dept. of Environmental Quality Website – Clean Water Act Information Center  
MT. National Heritage Program Website - Species of Concern  
USDI Fish & Wildlife Service Website - Endangered and Threatened Species  
USDA Natural Resources Conservation Service – Web Soil Survey  
MT DFWP- Dewatered Streams List,

**Part II. Environmental Review**

1. Environmental Impact Checklist:

**PHYSICAL ENVIRONMENT**

**WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

*Determination:* No impact identified

Watkins Creek is listed on the Montana Department of Fish, Wildlife and Parks as being a dewatered concern area. This application was filed by the Applicant to leave water in Watkins Creek for the benefit of the fishery resource.

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

*Determination:* No impact identified.

Watkins Creek has not been listed on the DEQ, 303(d) list. Water quality will not be impacted by this project.

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

*Determination:* No impact identified

This instream use of surface water will have no impact on groundwater quality or supply.

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

*Determination:* No impact identified.

Water will be left instream when to benefit the fishery resource.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

*Determination:* No impact identified.

The Montana Natural Heritage Program was contacted. The Gray Wolf, wolverine, and Northern Goshawk may be found near this area. Watkins Creek has been identified as supporting Westslope Cutthroat and Rainbow Trout in the project area. These species may benefit from leaving water instream for the fishery resource.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

*Determination:* No impact identified.

No existing wetlands were identified.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination:* No impact identified.  
This project does not involve a pond.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination:* No impact identified.  
Leaving more water instream to benefit the fishery should have no impact on the soil.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:* No impact identified.  
Leaving more water instream to benefit the fishery should have no impact on vegetation or the spread of noxious weeds.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* No impact identified.  
There should be no significant impact on air quality relating to this proposed project.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

*Determination:* This project is not located on state or federal land and this section is not applicable.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* No impact identified.  
No additional impacts on other environmental resources were identified.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* No impact identified.

No locally adopted environmental plans or goals have been identified.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* No impact identified.

The upper portion of Watkins Creek flows through US National Forest. This National Forest land would remain open to recreational activities.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* No impact identified.

No impact on human health is expected.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

Yes\_\_\_ No X\_\_\_ *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* No impacts identified.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

- (a) Cultural uniqueness and diversity? No impact identified.
- (b) Local and state tax base and tax revenues? No impact identified.
- (c) Existing land uses? No impact identified.
- (d) Quantity and distribution of employment? No impact identified.
- (e) Distribution and density of population and housing? No impact identified.
- (f) Demands for government services? No impact identified.
- (g) Industrial and commercial activity? No impact identified.
- (h) Utilities? No impact identified
- (i) Transportation? No impact identified.

(j) *Safety?* No impact identified.

(k) *Other appropriate social and economic circumstances?* No impact identified.

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts No secondary impacts have been identified.

Cumulative Impacts No cumulative impacts to the human population and physical environment have been identified

**3. *Describe any mitigation/stipulation measures:*** No mitigation measures have been identified at this time.

**4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** If this change is not authorized, Watkins Creek will continue to provide the current spawning habitat. If the fishery is to be improved, the temporary instream lease is the only option.

***PART III. Conclusion***

**1. *Preferred Alternative*** The preferred alternative is the proposed alternative

**2. *Comments and Responses*** None Received.

**3. *Finding:***

Yes\_\_\_ No X Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

*Name of person(s) responsible for preparation of EA:*

*Name:* Porter Dassenko

*Title:* Water Resource Specialist

*Date:* 1/10/2012